

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1043

H.P. 778

House of Representatives, March 15, 2011

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2012 and June 30, 2013

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FLOOD of Winthrop. (GOVERNOR'S BILL)
Cosponsored by Senator ROSEN of Hancock and
Representative: ROTUNDO of Lewiston, Senator: HILL of York.

1 emergency rules under the Maine Revised Statutes, Title 5, sections 8054 and 8073 in
2 order to implement those provisions of this Act over which the department has subject
3 matter jurisdiction for which specific authority has not been provided in any other Part of
4 this Act without the necessity of demonstrating that immediate adoption is necessary to
5 avoid a threat to public health, safety or general welfare.

6 **PART AAA**

7 **Sec. AAA-1. Agency rules; Medicare buy-in program; Department of**
8 **Health and Human Services.** The Department of Health and Human Services, to the
9 extent not inconsistent with state law, shall revise its rules for eligibility for the Medicare
10 buy-in program to reduce income levels to the optional minimum levels required in
11 federal law. Rules adopted pursuant to this section are routine technical rules as defined
12 in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

13 **Sec. AAA-2. Review of statutory provisions; submission of legislation.**
14 The Department of Health and Human Services shall undertake a review of current
15 statutes to determine if amendments are necessary to implement the reduction in income
16 levels set forth in section 1. The department shall submit any necessary implementing
17 legislation to the Second Regular Session of the 125th Legislature no later than
18 November 1, 2011.

19 **PART BBB**

20 **Sec. BBB-1. 24-A MRSA §6917, sub-§1,** as enacted by PL 2009, c. 359, §4 and
21 affected by §8, is amended to read:

22 **1. Access payments required from health insurance carriers, 3rd-party**
23 **administrators and employee benefit excess insurance carriers.** All health insurance
24 carriers, 3rd-party administrators and employee benefit excess insurance carriers shall
25 pay an access payment ~~of 2.14%~~ on all paid claims, except claims under accidental
26 injury, specified disease, hospital indemnity, dental, vision, disability income, long-term
27 care, Medicare supplement or other limited benefit health insurance. The amount of the
28 access payment is 2.14% on claims for services provided through June 30, 2011, 1.75%
29 on claims for services provided from July 1, 2011 to June 30, 2012, 1.25% on claims for
30 services provided from July 1, 2012 to June 30, 2013 and 0.75% on claims for services
31 provided from July 1, 2013 to December 31, 2013. The following provisions govern
32 access payments.

33 A. A health insurance carrier or employee benefit excess insurance carrier may not
34 be required to pay an access payment on policies or contracts insuring federal
35 employees.

36 B. Access payments apply to claims paid beginning on or after September 1, 2009.

37 C. Access payments must be made monthly to Dirigo Health and are due 30 days
38 after the end of each month and must accrue interest at 12% per annum on or after the
39 due date, except that access payments for 3rd-party administrators for groups of 500
40 or fewer members may be made annually not less than 60 days after the close of the
41 plan year.

1 D. Access payments received by Dirigo Health must be pooled with other revenues
2 of the agency in the Dirigo Health Enterprise Fund established in section 6915.

3 **Sec. BBB-2. 24-A MRSA §6917, sub-§5** is enacted to read:

4 **5. Repeal.** This section is repealed January 1, 2014.

5 **PART CCC**

6 **Sec. CCC-1. Department of Administrative and Financial Services;**
7 **lease-purchase authorization.** Pursuant to the Maine Revised Statutes, Title 5,
8 section 1587, the Department of Administrative and Financial Services, on behalf of the
9 Department of Public Safety, may enter into financing arrangements in fiscal years
10 2011-12 and 2012-13 for the acquisition of motor vehicles for the State Police. The
11 financing arrangements entered into each fiscal year may not exceed \$2,100,000 in
12 principal costs and a financing arrangement may not exceed 3 years in duration. The
13 interest rate may not exceed 8% and total interest costs with respect to the financing
14 arrangements entered into in each fiscal year may not exceed \$300,000. The annual
15 principal and interest costs must be paid from the appropriate line category appropriations
16 and allocations in the Department of Public Safety General Fund and Highway Fund
17 accounts.

18 **PART DDD**

19 **Sec. DDD-1. Rename Motor Vehicle Contingency Account - Building**
20 **program.** Notwithstanding any other provision of law, the Motor Vehicle Contingency
21 Account - Building program within the Department of the Secretary of State is renamed
22 the Motor Vehicle Miscellaneous Revenue program.

23 **PART EEE**

24 **Sec. EEE-1. Transfer from General Fund undedicated revenue; Callahan**
25 **Mine Site Restoration, Department of Transportation.** Notwithstanding any
26 other provision of law, the State Controller shall transfer \$500,000 by August 15, 2011
27 from the General Fund unappropriated surplus to the Callahan Mine Site Restoration,
28 Other Special Revenue Funds program within the Department of Transportation to be
29 used to design and implement clean-up initiatives of the Callahan Mine site.

30 **PART FFF**

31 **Sec. FFF-1. 36 MRSA §505, sub-§4,** as amended by PL 2005, c. 332, §12, is
32 further amended to read:

33 **4. When interest collected.** The date or dates from and after which interest must
34 accrue, which must also be the date or dates on which taxes become delinquent. The rate
35 of interest must be specified in the vote and must apply to delinquent taxes committed
36 during the taxable year until those taxes are paid in full. Except as provided in subsection
37 4-A, the maximum rate of interest must be established by the Treasurer of State and may
38 not exceed the prime rate as published in the Wall Street Journal on the first business day